

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

BLUEWATER MUSIC SERVICES  
CORPORATION, *et al.*,

Plaintiffs,

v.

SPOTIFY USA INC.,

Defendant.

Case No. 3:17-cv-1051

District Judge Jon Phipps McCalla

Magistrate Judge Jeffery S. Frensley

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ROBERT GAUDIO, *et al.*,

Plaintiffs,

v.

SPOTIFY USA INC.,

Defendant.

Case No. 3:17-cv-1052

District Judge Jon Phipps McCalla

Magistrate Judge Jeffery S. Frensley

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A4V DIGITAL, INC., *et al.*,

Plaintiffs,

v.

SPOTIFY USA INC.,

Defendant.

Case No. 3:17-cv-1256

District Judge Jon Phipps McCalla

Magistrate Judge Jeffery S. Frensley

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ROBERTSON, *et al.*,

Plaintiffs,

v.

SPOTIFY USA INC.,

Defendant.

Case No. 3:17-cv-1616

District Judge Jon Phipps McCalla

Magistrate Judge Jeffery S. Frensley

**DEFENDANT’S SUBMISSION OF EXPERT MATERIALS AND ORGANIZATIONAL CHARTS PURSUANT TO THE COURT’S APRIL 19, 2019 ORDER**

Pursuant to the Court’s Order in *Gaudio* Dkt. No. 83, Defendant Spotify USA Inc. (“Spotify”) hereby respectfully files under seal its damages expert report in the *Gaudio* action, an expert declaration concerning damages discovery, and organizational charts for 2011, 2013, and 2019, as follows:<sup>1</sup>

1. The Expert Report of Leslie M. Marx, PhD, dated March 27, 2019.
2. The Declaration of Leslie M. Marx, PhD, dated April 19, 2019. During the discussion with the Court at this week’s status conferences about the Plaintiffs’ document requests seeking equity investment documents from Spotify in support of their damages claim, Plaintiffs stated they would supplement the record with an additional declaration from their expert Sidney P. Blum on that subject. Spotify also encloses a short declaration from its expert Dr. Marx on that subject.
3. A spreadsheet showing Spotify’s 2011 U.S. organization, which lists the 92 employees working for Spotify in the United States as of December 31, 2011. Because this document is not formatted as a typical chart, a short explanation may be helpful. The column headings at the top of the document describe the meaning of the data in each column. Columns M through S, labeled “Level 01 from the Top”, “Level 02 from the Top”, and so forth, describe the reporting chain from each employee to the top of the company. For example, Kenneth Parks, who is listed at Row 44, has “CEO Office (Daniel Ek)” populated in Column N, because Mr. Parks reported directly to the CEO at that time; thus Columns O through S are blank. For other

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<sup>1</sup> Spotify has designated its expert submissions “Confidential – Counsel’s Eyes Only” and its organizational charts “Confidential” pursuant to the Amended Stipulated Protective Order entered in these actions (Dkt. No. 184).

employees who are further down the reporting chain, additional reporting columns are populated.

4. Spotify's 2011 global organizational chart, which shows the organizational structure of various Spotify departments. For example, Page 2 shows Mr. Parks and others who reported directly to the CEO as of 2011. Page 51 shows the "Content, Creator and Markets" team that Mr. Parks was in charge of in 2011.
5. Spotify's 2013 global organizational chart.
6. Spotify's 2019 global organizational chart.

Spotify will supplement this submission with the submission of its damages rebuttal expert report(s) in the *Gaudio* matter when those reports are served on April 24, 2019. We would be pleased to address any questions the Court may have or to provide any additional documents or information.

April 19, 2019

Respectfully submitted,

MILLER LEGAL PARTNERS PLLC

/s/ Samuel F. Miller

Samuel F. Miller (TN BPR #22936)

Fifth Third Center

424 Church Street, Suite 2000

Nashville, Tennessee 37129

Telephone: (615) 988-9011

Facsimile: (615) 988-9559

Email: SMiller@millerlegalpartners.com

SIMPSON THACHER & BARTLETT LLP

Jeffrey E. Ostrow (CA #213118, admitted *pro hac vice*)

Harrison Frahn (CA #206822, admitted *pro hac vice*)

2475 Hanover Street

Palo Alto, California 94304

Telephone: (650) 251-5000

Facsimile: (212) 455-2502  
Email: jostrow@stblaw.com  
Email: hfrahn@stblaw.com

Christopher J. Sprigman (NY #CS7310, admitted  
*pro hac vice*)  
425 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 455-7844  
Facsimile: (212) 455-2502  
Email: christopher.sprigman@stblaw.com  
*Counsel for Defendant Spotify USA Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2019, a copy of *DEFENDANT'S SUBMISSION OF EXPERT MATERIALS AND ORGANIZATIONAL CHARTS PURSUANT TO THE COURT'S APRIL 17, 2019 ORDER* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Richard S. Busch  
Joshua D. Wilson  
Christina Manna  
Liz A. Natal  
Tara N. Stampley  
Matthew G. Sipf  
King & Ballow  
315 Union Street, Suite 1100  
Nashville, Tennessee 37201  
rbusch@kingballow.com  
jwilson@kingballow.com  
cmanna@kingballow.com  
lnatal@kingballow.com  
msipf@kingballow.com  
tstampley@kingballow.com

Jay S. Bowen  
Lauren Kilgore  
47 Music Square East  
Nashville, TN 37203  
jbowen@shackelfordlaw.net  
lkilgore@shackelfordlaw.net

/s/ Samuel F. Miller  
Samuel F. Miller